

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Environmental Protection Act is amended by changing Sections 3.160 and 22.38 as follows:

(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)

Sec. 3.160. Construction or demolition debris.

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads

provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section.

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if

covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i), or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

For purposes of this subsection (b), reclaimed or other asphalt pavement shall not be considered speculatively accumulated if: (i) it is not commingled with any other clean construction or demolition debris or any waste; (ii) it is returned to the economic mainstream in the form of raw materials or products within 4 years after its generation; (iii) at least 25% of the total amount present at a site during a calendar year is transported off of the site during the next

calendar year; and (iv) if used as a fill material, it is used in accordance with item (i) of the second paragraph of this subsection (b).

(Source: P.A. 94-272, eff. 7-19-05; 95-121, eff. 8-13-07.)

(415 ILCS 5/22.38)

Sec. 22.38. Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment.

(a) Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment shall be subject to local zoning, ordinance, and land use requirements. Those facilities shall be located in accordance with local zoning requirements or, in the absence of local zoning requirements, shall be located so that no part of the facility boundary is closer than 1,320 feet from the nearest property zoned for primarily residential use.

(b) An owner or operator of a facility accepting exclusively general construction or demolition debris for transfer, storage, or treatment shall:

(1) within 48 hours of receipt of the general construction or demolition debris at the facility, sort the general construction or demolition debris to separate the recyclable general construction or demolition debris and recovered wood that is processed for use as fuel from non-recyclable general construction or demolition debris

to be disposed of or discarded;

(2) transport off site for disposal all non-recyclable general construction or demolition debris that is neither recyclable general construction or demolition debris nor recovered wood that is processed for use as fuel in accordance with all applicable federal, State, and local requirements within 72 hours of its receipt at the facility;

(3) limit the percentage of incoming non-recyclable general construction or demolition debris to 25% or less of the total incoming general construction or demolition debris, as calculated on a daily basis, so that 75% or more of the general construction or demolition debris accepted on a daily basis consists of recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, or both;

(4) transport all non-putrescible recyclable general construction or demolition debris for recycling or disposal within 6 months of its receipt at the facility;

(5) within 45 days of its receipt at the facility,
transport

(i) all putrescible or combustible recyclable general construction or demolition debris (excluding recovered wood that is processed for use as fuel) for recycling or disposal; and

(ii) all recovered wood that is processed for use

as fuel to an intermediate processing facility for sizing, to a combustion facility for use as fuel, or to a disposal facility; ~~within 45 days of its receipt at the facility;~~

(6) employ tagging and recordkeeping procedures to (i) demonstrate compliance with this Section and (ii) identify the source and transporter of material accepted by the facility;

(7) control odor, noise, combustion of materials, disease vectors, dust, and litter;

(8) control, manage, and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, State, and local requirements;

(9) control access to the facility;

(10) comply with all applicable federal, State, or local requirements for the handling, storage, transportation, or disposal of asbestos-containing material or other material accepted at the facility that is not general construction or demolition debris; and

(11) submit to the Agency at least 30 days prior to the initial acceptance of general construction or demolition debris at the facility, on forms provided by the Agency, the following information:

(A) the name, address, and telephone number of both the facility owner and operator;

(B) the street address and location of the

facility;

(C) a description of facility operations;

(D) a description of the tagging and recordkeeping procedures the facility will employ to (i) demonstrate compliance with this Section and (ii) identify the source and transporter of any material accepted by the facility;

(E) the name and location of the disposal sites ~~site~~ to be used for the ~~transportation and~~ disposal of any general construction or demolition debris received at the facility that must be disposed of; ~~non-recyclable materials accepted at the facility;~~

(F) the name and location of an individual, facility, or business to which recyclable materials will be transported; ~~and~~

(G) the name and location of intermediate processing facilities or combustion facilities to which recovered wood that is processed for use as fuel will be transported; and

(H) ~~(G)~~ other information as specified on the form provided by the Agency.

When any of the information contained or processes described in the initial notification form submitted to the Agency changes, the owner and operator shall submit an updated form within 14 days of the change.

(c) For purposes of this Section, the term "recyclable

general construction or demolition debris" means general construction or demolition debris that has been rendered reusable and is reused or that would otherwise be disposed of or discarded but is collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products. "Recyclable general construction or demolition debris" does not include general construction or demolition debris processed for use as fuel, incinerated, burned, buried, or otherwise used as fill material.

(d) For purposes of this Section, "treatment" means processing designed to alter the physical nature of the general construction or demolition debris, including but not limited to size reduction, crushing, grinding, or homogenization, but does not include processing designed to change the chemical nature of the general construction or demolition debris.

(e) For purposes of this Section, "recovered wood that is processed for use as fuel" means wood that has been salvaged from general construction or demolition debris and processed for use as fuel, as authorized by the applicable state or federal environmental regulatory authority, and supplied only to intermediate processing facilities for sizing, or to combustion facilities for use as fuel, that have obtained all necessary waste management and air permits for handling and combustion of the fuel.

(f) For purposes of this Section, "non-recyclable general construction or demolition debris" does not include "recovered

wood that is processed for use as fuel".

(g) Recyclable general construction or demolition debris or recovered wood that is processed for use as fuel that is sent for disposal at the end of the applicable retention period shall not be considered as meeting the 75% diversion requirement for purposes of subdivision (b) (3) of this Section.

(Source: P.A. 90-475, eff. 8-17-97.)

Section 99. Effective date. This Act takes effect upon becoming law.